

**REMARKS**

The Office Action dated May 28, 2009, has been received and carefully noted. The above amendments and the following remarks are submitted as a full and complete response thereto.

Claims 1, 3-18, and 20-28 are currently pending in the application, of which Claims 1 and 18 are independent claims. By this Amendment, Claim 1, 18, and 23 have been amended. Support for these amendments can be found in the specification at, for example, page 66, lines 27-28 and page 72, lines 10-16. No new matter has been added.

In the Office Action, Claims 1, 3-18, and 20-28 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite. In particular, the Office Action questions the definitions of the terms "likely to be viewed" and "popular electronic books" recited in Claims 1 and 18, and term "the priority model" recited in Claim 23. Claims 1, 18, and 23 have been amended to overcome the rejection. Withdrawal of this rejection is thus respectfully requested.

Claims 1, 3, 10, 13-18, and 20-24 are rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 5,239,665 to Tsuchiya ("Tsuchiya") in view of U.S. Publication No. 2005/0144133 to Hoffman et al. ("Hoffman"), U.S. Patent No. 5,003,384 to Durden et al. ("Durdén"), and U.S. Patent No. 5,598,279 to Ishii et al. ("Ishii"). Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Tsuchiya in view of Hoffman, Durden, and Ishii, and further in view of, according to the Office Action, what was well known in the art at the time of the applicants' invention. Claim 5 is rejected

under 35 U.S.C. 103(a) as being unpatentable over Tsuchiya in view of Hoffman, Durden, and Ishii, and further in view of U.S. Patent No. 5,231,631 to Buhrke et al. ("Buhrke"). Claim 6 is rejected under 35 U.S.C. §103(a) as being unpatentable over Tsuchiya in view of Hoffman, Durden, and Ishii, and further in view of U.S. Patent No. 5,475,682 to Choudhury ("Choudhury"). Claims 7 and 25-28 are rejected under 35 U.S.C. §103(a) as being unpatentable over Tsuchiya in view of Hoffman, Durden, and Ishii, and further in view of U.S. Patent No. 5,555,441 to Haddad ("Haddad"). Claim 8 is rejected under 35 U.S.C. §103(a) as being unpatentable over Tsuchiya in view of Hoffman, Durden, and Ishii, and further in view of U.S. Patent No. 5,790,935 to Payton ("Payton"). Claim 9 is rejected under 35 U.S.C. §103(a) as being unpatentable over Tsuchiya in view of Hoffman, Durden, and Ishii, and further in view of U.S. Patent No. 6,556,561 to Himbeault ("Himbeault"). Claims 11 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tsuchiya in view of Hoffman, Durden, and Ishii, and further in view of U.S. Patent No. 5,903,901 to Kawakura ("Kawakura").

It is noted that Claims 1, 18, and 23 are amended. To the extent that the rejections are still applicable to the currently pending claims, they are respectfully traversed.

Regarding Claims 1 and 18, the Applicants respectfully submit that the cited prior art, taken alone or in combination, fails to teach or suggest at least the following combination of features: "a queuing processor coupled to the main memory that receives electronic book orders from the subscribers and determines a queue location for an ordered electronic book, wherein each electronic book is divided into a plurality of

sections, first queues that temporarily store first sections of electronic books; and second queues that temporarily store second sections of electronic books, wherein the electronic books include order-on-demand electronic books and predetermined popular electronic books selected based on one of a request rate and a promotion level, the order-on-demand electronic books are received from the at least one remote provider upon requests from the subscribers and the popular electronic books are pre-loaded into at least one of the main memory and the local memory of the electronic book viewers of the subscribers, wherein the first sections of electronic books are delivered to the subscribers without charge and the second sections of electronic books are delivered when an order for the electronic books is made by a subscriber, wherein the first sections of the electronic books stored in the local memory of the electronic book viewer are deleted if the second sections of the electronic books are not requested by the subscriber after a predetermined period of time, and wherein the first queues further include a true on-demand first sections queue, a popular content first sections queue, and wherein the second queues further include a true on-demand second sections queue and a popular content second sections queue, in which the true on-demand first section queue has a first priority, as recited in amended Claim 1, and similarly recited in amended Claim 18 (Emphasis added).

The Office Action alleges that Tsuchiya teaches “a second queue that temporarily store a second sections of electronic books (lines 8-18 of column 6), wherein the electronic books include order-on-demand electronic books and popular electronic books, the order-on-demand electronic books are received from at least one

remote provider upon requests from the subscribers (lines 38-42 of column 6) and . . . ,  
to be viewed by the subscriber (lines 35-42 of column 6.)” ( See Office Action, page 4,  
line 5-14.)

Applicants respectfully disagree. Col. 6, lines 38-42 of Tsuchiya show that a  
desired piece of information can be selectively transferred from an information vending  
machine to an electronic book. These descriptions disclose nothing about first queues  
that temporarily store first sections of electronic books and second queues that  
temporarily store second sections of electronic books, are recited in amended Claims 1  
and 18.

The Office Action further alleges that Hoffman teaches the claimed first queue by  
relying on paragraph [00216] of Hoffman, which is inaccurate. In the cited paragraph,  
Hoffman describes that “the user clicks on the “Reading” icon to access third-party  
databases 28 storing certain electronic books for which the user has pre-paid.” It is  
submitted that such disclosure is different from the claimed invention. As recited in  
amended Claims 1 and 18, the first sections of electronic books are delivered to the  
subscribers without charge and the second sections of electronic books are delivered  
when an order for the electronic books is made by a subscriber. That is, the content  
stored in the first queue is not pre-paid.

Further, regarding the allegation of page 5, line 18 to page 6, line 11 of the Office  
Action, the preview and free review of content disclosed in Durden is based on a period  
of time that a subscriber can view the content for free, not based on sections of the  
content, as recited in amended Claims 1 and 18.

For at least these reasons, the Applicants submit that Claims 1 and 18, as amended, are allowable over the cited art of record, taken alone or in combination.

Regarding claims 3-17 and 20-28, Applicants respectfully submit that none of Buhrke, Choudhury, Payton, Himbeault, and Kawakura cure the deficiencies of Fernandez and Levinson. In addition, at least due to their dependencies from one of allowable amended Claims 1 and 18, these claims are also allowable over the cited art.

### **CONCLUSION**

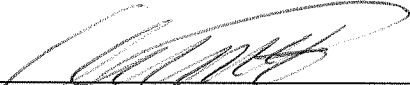
For all of the above reasons, it is respectfully submitted that the claims now pending patentably distinguish the present invention from the cited references. Accordingly, reconsideration and withdrawal of the outstanding rejections and an issuance of a Notice of Allowance are earnestly solicited.

Should the Examiner determine that any further action is necessary to place this application into better form, the Examiner is encouraged to telephone the undersigned representative at the number listed below.

In the event this paper is not considered to be timely filed, Applicants hereby petitions for an appropriate extension of time. The Commissioner is hereby authorized

to charge any fee deficiency or credit any overpayment associated with this communication to Deposit Account No. 01-2300, referring to client-matter **026880-00004**.

Respectfully submitted,

  
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Wan-Ching Montfort  
Registration No. 56,127

**Customer No. 004372**  
ARENT FOX LLP  
1050 Connecticut Avenue, N.W., Suite 400  
Washington, D.C. 20036-5339  
Tel: (202) 857-6000  
Fax: (202) 857-6395